



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAMADOU BARRY,

Plaintiff,

v.

JAIME LAMANNA, DUNCAN S. BEY, JR.,
and CHANTEL K. ELMORE,

Defendants.
-----X

ORDER

19 CV 4189 (VB)

By letter dated July 6, 2020, plaintiff, who is proceeding pro se and in forma pauperis, states defendants have not responded to his March 17 and April 7, 2020, interrogatories and document requests, and requests an extension of time to serve follow-up discovery requests, to begin once he receives defendants' responses to his outstanding requests. (Doc. #26).

By letter dated July 14, 2020, defense counsel states the Westchester office of the Office of the New York Attorney General has been closed for several months, will remain closed until July 20, 2020, and, as a result, defense counsel has not received plaintiff's mail. (Doc. #27). Accordingly, defense counsel states that "[i]f plaintiff can upload the interrogatories to ECF, Defendants will respond but will need at least ten (10) days from the date of upload to respond." (Id.).

First, plaintiff's request is DENIED WITHOUT PREJUDICE as premature. Once plaintiff receives defendants' responses to his discovery requests, he may then request a further extension of time to serve follow-up discovery requests, if, at that time, he believes such follow-up is necessary.

Second, defendant's lack of access for several months to her mail is unacceptable and unappreciated under the circumstances. If defense counsel has known for several months that she does not have any access to her mail, she should have, at minimum, informed the Court well before today of such limitation. Indeed, by Order dated March 9, 2020, the Court extended to June 17, 2020, the parties' deadline to serve all document requests and interrogatories, and extended to July 17, 2020, the parties' deadline to respond to all document requests and interrogatories. (Doc. #25). Thus, defense counsel has known for several months that defendants' responses to any discovery demands are due on July 17, 2020. And of course it is defense counsel's responsibility to ascertain whether she has received any mail—including plaintiff's discovery requests—to which she was is required, and to which she was ordered, to respond.

Accordingly, it is HEREBY ORDERED:

1. By July 31, 2020, plaintiff shall mail his interrogatories and requests for documents to the Pro Se Clerk at the following address:

United States District Court
Pro Se Clerk
300 Quarropas Street
White Plains, NY 10601

2. After the Pro Se Clerk docket's plaintiff's discovery requests, defendants must answer such requests within 21 days.
3. All other discovery deadlines set forth in the March 9 Order (Doc. #25) remain unchanged.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: July 14, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge